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Chief of Schools Guidance Regarding Select Chapter 25 Provisions, Alternatives to Suspension (version 1.5)

Responsible Office(s):

Office of the Chief of Schools/Youth Engagement Division (COS/YED)

Office of the General Counsel (OGC)

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Chief of Schools

Signature

Date

Discusses District of Columbia Municipal Regulations B2500 approved by City
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Message from the Chief of Schools

We are very excited to announce the completion of a six month effort aimed at providing alternatives to suspension regarding Subtitle 5-B, Chapter 25 of the District of Columbia Municipal Regulations (DCMR) – Student Discipline (“Chapter 25”). The guidance that follows is the direct result of an ongoing internal work group comprised of principals, deans, and several offices within central administration, including the Office of Specialized Instruction, School Operations, and the Youth Engagement Division. Our intention is to ensure disciplinary responses are as objective and measured as possible, which will ensure appropriate responses are assigned to each behavior.

As a school district, we continue to focus on implementing an intentional approach to addressing student behavior; including how and when we impose all disciplinary responses (e.g. suspension). This requires a high level of commitment by both central office and school-based officials. In a continuing collaborative effort to support innovative ways to address negative behavior, we continue to improve our approach to how DCPS responds to student behavior. This includes both the disciplinary responses to negative behavior and how positive behavior is acknowledged and recognized.

With our approach to behavior response, we are making a definitive statement that we will make every effort possible to work with our students to address challenging behaviors and give each of them the opportunity to have full access to the world-class education that DCPS provides.

Please make every effort to not only digest this guidance, but to also ensure that, moving forward, it is directly applied by you and others in your school.

The Need/Background

Chapter 25 was enacted in August 2009 after an extensive internal and external collaboration aimed at reviewing and revising DCPS policies that address student behaviors and appropriate disciplinary responses. The underlying purpose of that revision was to ensure proper application of student discipline rules and due process protections for students and families.

Since implementation of Chapter 25 in 2009, the Youth Engagement Division has received feedback from principals, teachers, students, parents, educational advocates and other community stakeholders. A majority of that feedback recommended that DCPS clarify certain language in Chapter 25 and provide specific student behavior examples that will encourage school officials to more narrowly apply disciplinary rules to student behaviors. As a result of that feedback, the Chief of Schools published a clarifying document in the spring of 2015 titled Chapter 25 1.0. Although successful in providing clarity with regard to language ambiguity, the document did not address the previously expressed need for alternatives to suspension. That is the main focus of this document, titled Version 1.5.

You should continue to work with your teams to utilize the alternatives to suspension and overall approach to discipline that Chapter 25 and the subsequent Chief of Schools' Guidance (both versions 1.0 and 1.5) provide.

Philosophy and Approach

DCPS encourages school officials to implement re-direction, mediation, parent involvement, counseling, or other appropriate alternatives to suspension when responding to student behavior issues, particularly when responding to non-violent negative behaviors. The only exception is when a negative behavior is so severe that it can't be addressed through one of these intervention alternatives. We encourage schools to work hard to ensure all intervention alternatives have been exhausted when proposing a suspension for a Tier III or higher behavior. Moreover, it is each school's responsibility to ensure that the default philosophy and approach moving forward is to always consider entering a behavior in the lowest tier possible and only consider applying tier behaviors which automatically result in suspension when absolutely necessary.

Alternatives to Suspension Disciplinary Responses

The Youth Engagement Division, in an effort to provide schools with as many options as possible to address disciplinary issues, has created a menu of alternatives to out of school suspension. Our goal is to provide additional non-suspension options for school leaders to utilize which focus on keeping the students in the building. In an effort to follow the district’s belief that schools should take an instructional approach to discipline while also having a progressive discipline approach, the following menu of interventions were intentionally aligned to larger behavior “buckets”. Grouping the behaviors in buckets allows schools to streamline disciplinary responses to inappropriate behaviors.

The Youth Engagement Division is committed to working both with school-based personnel as well as district leadership in order to create the most useful, viable, and practical interventions possible to address the myriad of discipline issues that occur daily. The guidance that follows is the direct result of an ongoing internal work group comprised of school chiefs, superintendents, principals, deans, and several offices within central administration, including the Office of Specialized Instruction, School Operations, and the Office of the Chief of Schools. Our intention is to ensure that disciplinary responses are appropriate and instructional time is maximized for all students.

Numbers in the columns on the left in each table below correspond with disciplinary tier levels and behavior descriptions as listed under each tier in Chapter 25. For example, item 1.7 in the table – “Excessive noise in the classroom, hall, or school building” – relates to the seventh behavior description under tier 1 in Chapter 25 (which can be found at 5-B DCMR § 2502.1(a)(7)). The items in the columns on the right of each table are provided as examples of alternatives to suspension. These tables do not cover every disciplinary situation or appropriate response. Administrators should continue to use their best judgment in responding to negative student behavior following the rules in Chapter 25 and the guidance in clarifying documents like this.

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<i>Off-Task and Disruptive Behaviors</i>	<i>Alternative to Suspension Disciplinary Response(s)</i>
1.3 Off-task behaviors that demonstrate disengagement from classroom learning	<ul style="list-style-type: none"> • Student/Parent/Teacher Conference • Redirection • Detention • School Beautification* <ul style="list-style-type: none"> ○ Well thought out and not punitive • Alternative Discipline/Service Opportunities* • Student Restitution for infractions that involve damage to property of cause disruption (monetary and non-monetary) • Restorative Conferences • Parent Workshops* <p>* Parent must opt in</p>
1.4 Behaviors that disrupt or interfere with classroom teaching and learning	
1.7 Excessive noise in the classroom, hall, or building	
2.1. Using computer/office equipment without permission	
2.2 Intentional misuse of school equipment/supplies/facilities	
2.3 Unauthorized use of portable electronic devices during school hours (e.g. mp3 players, cell phones)	
2.9 Inappropriate or disruptive physical contact between students	
2.10 Directing profanity or obscene/offensive gestures toward staff	
2.11 Throwing objects that may cause injury or damage property	
3.1 Inappropriate use of DCPS computer or network (restricted websites, offensive emails)	
3.9 Obscene, seriously offensive, or abusive language or gestures	
3.10 Causing disruption on school properties or at any DCPS-sponsored or supervised activity	
3.23 Engaging in reckless behavior that may cause harm to self or others	

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<i>Illegal Substances Behaviors</i>	<i>Alternative to Suspension Disciplinary Response(s)</i>
3.4 Possession or use of tobacco	<ul style="list-style-type: none"> • Meeting with a social worker/DBH clinician or counselor • Conference with teacher/administrator and/or a counselor • HS: Mandated Cannabis Youth Treatment (CYT) curriculum • ES: CFSA Referral (mandatory) • Community alcohol/substance abuse referral • Alternative Assignment: Research project focused on the effects of drugs that are specified in the student's disciplinary referral • Parent Workshops* <p><i>* Parent must opt in</i></p>
3.5 Use of alcohol	
3.6 Use of marijuana, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, or drug paraphernalia	
3.7 Unauthorized possession, use, or distribution of over-the-counter medication	

<i>Violent Behaviors</i>	<i>Alternative to Suspension Disciplinary Response(s)</i>
3.25 Fighting where there is no injury and no weapon	<ul style="list-style-type: none"> • Student/Parent/Teacher Conference • Redirection • Detention • School Beautification* <ul style="list-style-type: none"> ◦ Well thought out and not punitive • Alternative Discipline/Service Opportunities* • Restorative Conferences • Mandated Individual or Group Counseling (anger management or impulse control) • Parent Workshops* <p><i>* Parent must opt in</i></p>

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<i>Destructive Behaviors</i>	<i>Alternative to Suspension Disciplinary Response(s)</i>
3.8 Verbal, written, or physical threat to person or property (including intimidating postures)	<ul style="list-style-type: none"> • Student/Parent/Teacher Conference • Redirection • Detention • School Beautification* <ul style="list-style-type: none"> ○ Well thought out and not punitive • Alternative Discipline/Service Opportunities* • Restorative Conferences • Mandated Individual or Group Counseling (anger management or impulse control) • Parent Workshops* <p>* Parent must opt in</p>
3.12 Communicating slurs based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business, including derogatory sexual language	
3.18 Posting or distributing material or literature that is disrespectful, demeaning, humiliating, or damaging to students and/or staff. This includes posting material on internet or sending material electronically (via email or cell phone)	
3.19 Engaging in behavior that demonstrates gang/neighborhood crew affiliation (displaying clothing or gestures associated with gangs)	
3.20 Hazing	
3.21 Bullying, or using humiliating, or intimidating language or behavior including Internet bullying	

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<i>Serious Behaviors that must result in a suspension</i>	<i>Although these require suspension, we recommend the following Disciplinary Response(s)</i>
4.1 Acts of vandalism, destruction of property, or graffiti (tagging)	<ul style="list-style-type: none"> • Meeting with Social Worker/DBH clinician • Referral to outside community agency for support • Cannabis Youth Treatment • Mandated individual or group counseling • Student Restitution for incidents that involve damage to property or major disruptions (monetary and non-monetary) • Restorative Conferences • Parent Workshops* <p><i>Although the behaviors noted on the left of this table mandate a suspension, the above interventions should additionally be considered by the home school or the CHOICE Academy if a long term suspension is imposed.</i></p> <p>* Parent must opt in</p>
4.3 Interfering with school authorities or participating a major disruption of the school's operation	
4.5 Persistent Harassment based on actual or perceived race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intrafamily offense, or place of residence or business	
4.9 Fighting which creates substantial risk of or results in minor injury	
4.10 Inciting others to violence or disruption	
4.11 Activating false alarm	
5.3 Selling or distribution of marijuana, prescription drugs, controlled dangerous substances, imitation controlled substances, inhalants, other intoxicants, controlled or drug paraphernalia	
5.4 Possession or distribution of alcohol	
5.5 Possession of drug paraphernalia or controlled substance, irrespective of the amount or type, pursuant to the criminal statutes of the District of Columbia, codified at D.C. Official Code § 48-1101 et seq. (2001)	
5.6 Causing serious disruption or damage to school's computer systems, electronic files, or network	

Privacy and Confidentiality

Outside Media and Community Communication

School officials are obligated to comply with the Family Educational Rights and Privacy Act (FERPA), a federal law that protects the privacy of student educational records, which includes information from student disciplinary matters. Accordingly, all media inquiries regarding student discipline matters should be directed to the DCPS Press Secretary at (202) 535-1096. All other inquiries regarding student discipline matters should be directed to the school principal.

Frequently Asked Questions

Q- What is Chapter 25?

A- Chapter 25 contains the disciplinary regulations for DCPS. It is part of the District of Columbia Municipal Regulations (*DCMR*) and can be found in Title 5-B of the DCMR.

Q- How does Chapter 25 affect my child?

A- Chapter 25 provides schools parameters for how they can administer discipline to students K-12.

Q- Does this guidance document a change to the regulation/law?

A- No. We are only providing guidance for how school officials should interpret the regulations in Chapter 25 and administer discipline.

Q- Does Chapter 25 apply to charter schools as well?

A- No, Chapter 25 only applies to DCPS.

Q- Where can I get a copy of Chapter 25?

A- It's available online. Here is the link:

<http://dcps.dc.gov/sites/default/files/dc/sites/dcps/publication/attachments/DCMR-Chapter-25-Title-5-Final-Rulemaking-2009.pdf>

Q- Why is DCPS providing this guidance?

A- DCPS consistently seeks to maximize positive interactions between staff and students. In an effort to ensure that all of our students are given every chance to succeed, we are focusing on approaches to redirecting negative behavior beyond simply suspending a student off-site.